

Notice of Allowability

Application No.

09/915,801

Examiner

Haythim J. Alaubaidi

Applicant(s)

SOULANILLE ET AL.

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on June 07, 2005.
2. ☒ The allowed claim(s) is/are 14-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 07/12/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This communication is in response to the amendment filed on June 07, 2005.
2. Claims 14-17 are presented for examination following the amendment of June 07, 2005
3. Claims 14-17 are allowed over the prior art of record.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 07, 2005 has been entered.

Priority

4. The Examiner acknowledges the claim for priority of Application No. 09/872,737 filed June 01, 2001 which is a continuation in part of application No. 09/322,677 (currently patented with an issue date of July 31, 2001) with the earlier filing date of May 28, 1999.

Information Disclosure Statement

The listing of references in the information disclosure statement (IDS) received by the Office on July 12, 2004 are not complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed. Therefore, the Non-Patent Literature Documents cited in the IDS have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney John G. Rauch on Thursday October 27, 2005 (please see Interview Summery attached).

The Application was amended as follows:

Claim 14. A computer implemented method for operating a search system, the method comprising:

storing a plurality of search listing records, each search listing record including

data defining a search term,

data defining a bid amount chargeable to an advertiser upon receipt of

a click through selecting the search listing among displayed search results;

receiving from the advertiser a new desired rank for a search listing;

based on other search listings associated with the search term of the search listing, automatically determining a new bid amount for the search listing required to achieve the new desired rank for the search listing; and

automatically updating the stored search listing with the new bid amount.

Allowable Subject Matter

6. Claims 14-17 are allowed over the prior art of record.
7. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

Regarding Independent Claim 14, Applicant's particular method for storing search terms associated with search listings and a bid amount chargeable to an advertiser upon a user click-through wherein the advertiser is able to select a desired

Art Unit: 2168

location or rank in the displayed listings (search result). The novelty of the claim is the combination of the features that recites "defining a bid amount chargeable to an advertiser upon receipt of a click-through" with the limitations of "receiving from the advertiser a new desired rank for a search listing; and based on other search listings associated with the search term of the search listing, automatically determining a new bid amount for the search listing required to achieve the desired rank for the search listing". The support for these limitations can be found in the Specification of the current application beginning on Page 28, Line 15 through Page 30, Line 9 with an example shown in Figure No. 9 as pointed out by the Applicant.

Claims 15-17, being further limiting to Independent Claim 14, definite and enabled by the Specification are also allowed.

8. The closest related prior art and an explanation of their deficiencies with regard to the novel feature of claim 14 as specified above are as follows:

a. **The closest US Patent** (Buck et al. 6,078,866) of record, discloses a site listing database wherein each site listing is associated with a subscriber (advertiser); the listings include descriptions of the content of the site (Col 3, Line 66 through Col 4, Line 40); Buck also discloses wherein a user can submit a search query and receive results; wherein the results are ranked according to a paid fee by the subscriber that has a subscription expiration date. Buck fails to teach or fairly suggest offering advertisers the ability to bid on search terms

(keywords) that are associated with search listings; Buck also fails to teach or fairly suggest the automatic determination feature of the new bid for a specific term or keyword; Buck's reference does not teach or discloses charging the advertiser per a user's click-through as cited by claim's 14 limitation. In fact Buck teaches away from the invention of the current application by setting a subscription fee paid by a subscriber to maintain and rank a site listing on the server whether a user search was performed or not (Buck, Abstract; see also Col 4, Lines 1-8). Buck fails to teach the novel features of claim's 14 limitations mentioned above.

b. **The closest Non-Patent Literature** (Bowman et al. US Patent Application Publication No. 20020049752) of record, discloses a software for identifying the most relevant items for a query, generate results identifying a plurality of items that satisfy the query, produces a ranking value for the item and identify the items with the highest ranking value (Abstract, Figure 6 and 10 and the corresponding text associated with the figures). Although Bowman discloses ordering a result list (ranking) according to more than one way; for example, alphabetically, numerically, the property of each item, or the extent to which each identified item matches the terms of the query; yet Bowman fails to teach the novel features of claim's 14 limitations that were mentioned above.

c. **The closest Foreign Reference** (Hopkins et al. WO 97/22066) of record, discloses a multimedia presentation of advertisings on a computer system wherein the advertising information are searchable by a user using any of a plurality of categories; Hopkins system presents result for the user search of these advertisings. A vender of the advertisement in Hopkins system is able lock a position related to certain category. Hopkins fails to teach the novel features of claim's 14 limitations mentioned above.

9. The limitations of claim 14 was not disclosed by, would not have been obvious over, nor would have been fairly suggested by any of the cited references encountered by the Examiners search.

Other Prior Art Made of Record

10. a. Bowman et al. (US Patent Application Publication No. 2002/0049752) discloses identifying the items most relevant to a current query based on items selected in connection with similar queries;

b. Hopkins et al. (WO 97/22066) discloses presenting multi-media advertising information on computer system - searching multi-media advertising information in response to user request, and presenting information to user;

c. Szabo (U.S. Patent No. 6868525) discloses a computer graphic display visualization system and method;

- d. Merel (U.S. Patent No. 6006194) discloses a computer-implemented system for controlling resources and policies;
- e. www.superkeywords.net (pay per click keywords); and
- f. http://www.content.overture.com/d/AUm/ac/ba/dtcfaq_am.jhtml; July 14, 2004 (see Wayback Machine), Pages 1-6.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Points of Contact

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

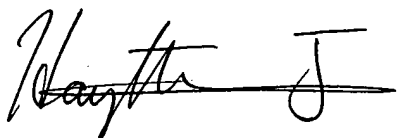
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-446.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or Faxed at our central fax number (571) 273-8300.

Art Unit: 2168

Hand-delivered responses should be brought to the Customer Service Window of the
Randolph Building at 401 Dulany Street, Alexandria, VA 22314

A handwritten signature in black ink, appearing to read "Haytham J.", written over a horizontal line.

Patent Examiner, AU 2168
Technology Center 2100

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.